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OFFICE OF PETITIONS

In re Application of
Joel D. Gray, et al.
Application No. 09/432,523
Filed: November 3, 1999
Attorney Docket No. 100344-005

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ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 14, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed July 30, 2004. A Notice of Abandonment was mailed on February 23, 2005. The present petition is filed in response to a decision dismissing petition mailed September 1, 2005.

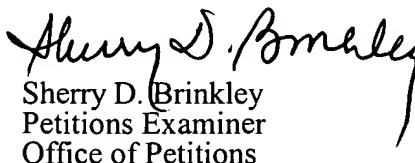
Petitioner requests reconsideration, stating that the required reply was submitted with the original petition. In fact, petitioner notes that an Advisory Action Before the Filing of an Appeal Brief was mailed on October 6, 2005 in response to the Response After Final. However, petitioner submits a Request for Continued Examination with the renewed petition.

As noted in the decision mailed September 1, 2005, the "Response After Final" was considered non-responsive to the final Office action mailed July 30, 2004. Petitioner should note that the Advisory Action mailed October 6, 2005 is a copy of the Advisory Action mailed with the decision on September 1, 2005, which clearly states thereon that "THE REPLY FILED 28 April 2005 FAILS TO PLACE THE APPLICATION IN CONDITION FOR ALLOWANCE."

Since the renewed petition complies with the requirements of 37 CFR 1.137(b), the application is being revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

The application is being referred to Technology Center AU 3738, for further processing of the request for continued examination under 37 CFR 1.114 filed October 14, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions